

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
CALVIN ADONY MARIANO ESPINOZA et al.,

Plaintiffs,

-v-

EURO DESIGN AND STONE LLC et al.,

Defendants.  
-----X

20-CV-4381 (JMF)

ORDER SCHEDULING  
DEFAULT JUDGMENT  
BRIEFING AND SHOW  
CAUSE HEARING

JESSE M. FURMAN, United States District Judge:

On February 23, 2021, Plaintiffs filed their Second Amended Complaint (“Complaint”) with the Court. *See* ECF No. 61. On April 20, 2021, Defendants moved to dismiss the Complaint, relying on their previously filed motions to dismiss the First Amended Complaint. *See* ECF Nos. 56-57, 78-79. On July 2, 2021, the Court denied Defendants’ motions to dismiss and ordered them to answer the Second Amended Complaint by July 30, 2021, and to appear for an initial pretrial conference to be conducted by telephone on August 10, 2021. To date, Defendants have not answered the Complaint, nor did they appear for the August 10th teleconference.

In light of the foregoing, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), no later than **August 24, 2021**. Defendants shall file any opposition to the motion for default judgment no later than **August 31, 2021**.

If a motion for default judgment is filed, it is further ORDERED that Defendants appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **September 10, 2021**, at **11:30 a.m.**, why an order should not be issued granting a default judgment against Defendants. Prior to that date, Plaintiffs must file the proposed default judgment order electronically, using the ECF Filing Event “Proposed Default Judgment,” for the Clerk’s approval.

In the event that any Defendant appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference with respect to any such appearing Defendant. That is, if any Defendant appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties — including any such appearing Defendant — shall follow the pre-conference procedures specified in the Court’s Order of June 11, 2020, including by submitting a joint letter addressing certain topics and a proposed case management plan no later than the Thursday prior to the conference and by participating in an early mediation session at least two weeks prior to the conference. *See*


ECF No. 12.

It is further ORDERED that Plaintiffs serve Defendants via overnight courier with a copy of the motion for default judgment and all supporting papers within **one business day** of the date of any such motion, and to file proof of such service on the docket within **two business days of service**.

The Clerk of Court is directed to mail a copy of this Order to Defendants.

SO ORDERED.

Dated: August 10, 2021  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge